

1 GOVERNOR’S OFFICE OF THE KENTUCKY AGENCY FOR SUBSTANCE ABUSE  
2 POLICY

3 (New Administrative Regulation)

4 10 KAR 7:020. Kentucky Agency for Substance Abuse Policy (KY-ASAP) On-  
5 going funding.

6 RELATES TO: KRS 12.330, 12.332, 12.334, Chapter 13 B, 45A.005 - 45A.020,  
7 45A.035 - 45A.050, 45A.075, 45A.130, 45A.145, 45A.210, 45A.230 - 45A.235, 45A.480,  
8 45A.695 – 45A.705, 45A.725, 222.211, 248.723

9 STATUTORY AUTHORITY: KRS 12.332 (19)

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 12.332 require the  
11 Kentucky Agency for Substance Abuse Policy (KY-ASAP) to promulgate administrative  
12 regulation to sustain a statewide strategic plan to reduce the prevalence of tobacco use  
13 and drug and alcohol abuse with both the youth and adult populations in Kentucky. This  
14 administrative regulation establishes set standards to maintain designated KY-ASAP  
15 Local Boards. It is the mechanism for distribution of designated funds for the continued  
16 implementation of the approved long-term community strategy.

17 Section 1. Definitions.

18 (1) “Kentucky Agency for Substance Abuse Policy “or “KY-ASAP” means  
19 the agency established at KRS 12. 330 (1) to (3).

20 (2) “Local board” means that entity described at KRS 12.334 (1).

1           (3)     “Designated funds,” means appropriated dollars from KY-ASAP to support  
2 designated KY-ASAP Local Boards in good standing.

3           (4)     “Good standing,” means those local boards found in compliance with all  
4 appropriate regulations, contracts, and other requirements as specified by KY-ASAP  
5 and such as determination shall be made by KY-ASAP with the advice from the Cabinet  
6 for Health Services, Department for Mental Health and Mental Retardation Services,  
7 Division of Substance Abuse.

## 8     Section 2. General.

9           (1)     KY-ASAP shall develop proposal instructions with advice from the  
10 following as to distribution of designated funds:

11                   (a)     KY-ASAP Board; and

12                   (b)     Cabinet for Health Services, Department for Mental Health and  
13 Mental Retardation Services, Division of Substance Abuse; and

14                   (c)     Cabinet for Health Services, Department of Public Health.

15           (2)     Instructions shall be contained in the KY-ASAP “Request for Proposal”  
16 (RFP).

## 17     Section 3. Local Board Standards.

18           (1)     A local board shall comply with the local board membership standards as  
19 established in 10 KAR 7:010, Section (3), for local board members.

20           (2)     A local board shall comply with the local board by-laws as established in  
21 10 KAR 7:010, Section (4).

(3) Local boards shall file a report semiannually as required by KRS 12.334 (2) and 10 KAR 7: 010, Section (8) and in addition the report shall address items requested by Kentucky Agency for Substance Abuse Policy no later than September 1 and March 1. This request shall be drafted in coordination with:

- (a) KY-ASAP State Board;
- (b) Cabinet for Health Services, Department for Mental Health and Mental Retardation, Division of Substance Abuse;
- (c) Cabinet for Health Services, Department for Public Health; and
- (d) KY-ASAP Local Boards.

(4) A local board shall include:

- (a) A progress report on the implementation of the objectives of the strategic plan;
- (b) Expenditure Report;
- (c) KRS 12.334. (2); and
- (d) 10 KAR 7:010, Section 3 (3).

(5) If a local board fails to comply with KRS 12.334 and the standards set in this regulation, the Executive Director of KY-ASAP shall notify the chairman of the local board by certified letter and the fiscal agent that the existing board is in non-compliance.

(e) If the local board is found in non-compliance, a plan of corrective action shall be submitted to the Executive Director within 45 days from the date of notice of non-compliance;

(f) The Executive Director shall have 30 days upon receipt to respond

1 to the proposed plan of corrective action; and,

2 (c) If the proposed corrective plan of action does not meet the  
3 requirements of the regulation as found by the Executive Director, the local board shall  
4 be abolished.

5 Section 4. Application Process.

6 (1) In order to be eligible to receive designated funds in accordance with  
7 Section 5 of this administrative regulation, a local board shall submit an application to  
8 KY-ASAP.

9 (2) A local board seeking designated funds shall be in good standing when  
10 the request is received for funding.

11 (3) The fiscal agent, upon receipt of notice of approval to local board,  
12 shall submit a letter of agreement to KY-ASAP to serve as fiscal agent; and

13 (4) KY-ASAP shall award payments to a designated local board through  
14 contract agreement in compliance with applicable sections of KRS Chapter 45A and  
15 that board's selected fiscal agent, to the extent funds are available.

10 KAR 7:020

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Larry Carrico, Executive Director      Date  
Governor's Office for the  
Kentucky Agency for Substance  
Abuse Policy

Kentucky Agency for Substance Abuse Policy  
REGULATORY IMPACT ANALYSIS

Regulation No. 10 KAR 7:0201

Governor's Office for the  
Agency: Kentucky Agency for Substance  
Abuse Policy

Agency Contact Person: Karen C. Jones, Executive Assistant

(1) Provide a brief summary of:

- (a) What this administrative regulation does:
  - 1. To establish a mechanism for distribution of designated funds for the continued implementation of the approved long-term community strategy.
  - 2. To further delineate the set of standards necessary to maintain designated KY-ASAP Local Board status.
- (b) The necessity of this administrative regulation:

The administrative regulation is necessary to comply with KRS 12.330, 12.332, and 12.334 of the 2000 General Assembly to implement a statewide strategic plan for the development of policy directed to reduce the prevalence of tobacco use and other drug and alcohol abuse among both the youth and adult population of Kentucky.
- (c) How this administrative regulation conforms to the content of the authorizing statutes:

This regulation conforms with KRS 12.332 (19).
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation will allow for the continued implementation of a statewide plan for the development of policy directed to reduce the prevalence of tobacco use and other drug and alcohol abuse among both the youth and adult population of Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of: **This administrative regulation is not an amendment.**

- (a) How the amendment will change this existing administrative regulation:
- (b) The necessity of the amendment to this administrative regulation:
- (c) How the amendment conforms to the content of the authorizing statutes:

- (d) How the amendment will assist in the effective administration of the statutes:
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
- The administrative regulation establishes the process to receive supplemental designated funds and sets standards to maintain designated KY-ASAP Local Boards. Local boards which will be comprised of county judge executives, community mental health centers, health departments, Family Resource and Youth Services Centers, Superintendents of Local School Districts, Cabinet for Family and Children local staff, business leaders, religious leaders, judicial system representatives, law enforcement representatives, media, Health Care representatives, local colleges or university representatives, representatives from groups that provide alcohol, tobacco and other drug prevention or treatment.
- (4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment:
- The above groups will be impacted through promoting the reduction of tobacco, alcohol, and other drug abuse and related consequences through comprehensive research based state and county strategies.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- Funding was appropriated in the Governor's Emergency Budget 2002-2004.
- (a) Initially: 2,574,800.00
- (b) On a continuing basis: 2,236,600.00
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Governor's Emergency Budget 2002-2004
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Refer to item (6).
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish or increase fees.
- (9) TIERING: Is tiering applied? (Explain why tiering was or was not used)

Tiering was not used. The administrative regulation is applicable on a statewide basis.



## FISCAL NOTE ON LOCAL GOVERNMENT

Reg. No. 10 KAR 7:010

Agency: Governor's Office of the Kentucky Agency  
For Substance Abuse Policy

Contact: Karen Jones

Office:  
Governor's Office of the Kentucky Agency  
For Substance Abuse Policy

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? If yes, complete questions 2-4.

Yes x

No \_\_\_\_\_

2. State what unit, part or division of local government this administrative regulation will affect.

County judge executives, community mental health centers, health departments, Family Resource and Youth Service Centers, Superintendents of Local School Districts, Cabinet for Family and Children local staff, judicial system representatives, law enforcement representatives, and local colleges or university representatives.

3. State the aspect or service of local government to which this administrative regulation relates.

The service would be for those branches of local government or local agencies, which address the issues of alcohol, tobacco, and other drug prevention and treatment.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulations is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Minimum impact. We recognize there is a cost in coordinating community efforts, but any initial cost should in turn reduce overall costs. KY-ASAP requests agencies to dedicate part of a staff person to attend the business of the board. Any other impact will result from local board decisions based on local community needs.

Revenues (+ / -) :

Expenditures (+ / -) :

Other Explanation:

### **PUBLIC HEARING**

A public hearing on this proposed amended administrative regulation shall be held on October 21, 2002, at 9:00 a.m., local time, at the Capitol Annex Building, Room 125, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify the Governor's Office for the Kentucky Agency for Substance Abuse Policy in writing by October 14, 2002, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on this proposed administrative regulation. A transcript of the hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification to: Karen C. Jones, Executive Assistant, Governor's Office for the Kentucky Agency for Substance Abuse Policy, P.O. Box 733, 859 East Main Street, Suite 7 A, Frankfort, KY 40601. Phone: 502-564-8262, extension 225; fax: 502-564-6104.

